



Via Electronic Mail

May 6, 2021

Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 5145 - Reconsideration of Interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii)

Dear Ms. Massaro,

The Northeast Clean Energy Council (“NECEC”) and the Coalition for Community Solar Access (“CCSA”) appreciate the opportunity to provide comment to the Rhode Island Public Utilities Commission (“PUC”) in response to the April 22 Notice to Solicit Comments. NECEC and CCSA each have members that have active Public Entity Net Metering arrangements and would be significantly impacted by the interpretation of RI Gen. Laws § 39-26.4-2(5)(ii).

NECEC is a clean energy business, policy, and innovation organization whose mission is to create a world-class clean energy hub in the Northeast, delivering global impact with economic, energy and environmental solutions. NECEC is the only organization in the Northeast that covers all of the clean energy market segments, representing the business perspectives of investors and clean energy companies across every stage of development. NECEC members span the broad spectrum of the clean energy industry, including clean transportation, energy efficiency, wind, solar, energy storage, microgrids, fuel cells, and advanced and “smart” technologies.

CCSA is a national Coalition of businesses and non-profits working to expand customer choice and access to solar to all American households and businesses through community solar. Community solar refers to local solar facilities shared by multiple community subscribers who receive credits on their electricity bills for their share of the power produced. Community solar provides homeowners, renters, and businesses equal access to the economic and environmental benefits of solar energy generation regardless of the physical attributes or ownership of their home or business. Community solar expands access to solar for all, including low-to-moderate income customers, all while building a stronger, distributed, and more resilient electric grid.

NECEC and CCSA appreciate the PUC’s recognition that the March 29, 2021 interpretation of RI Gen. Laws § 39-26.4-2(5)(ii) has the potential to significantly disrupt the clean energy industry, and we urge a ruling that recognizes that existing projects have relied on having multiple public entity, educational institution, hospital, and/or nonprofit offtakers. As with any

industry, the clean energy industry relies on regulatory certainty and continuity to attract finance partners for development projects. Retroactive regulatory changes not only have direct negative impacts on existing projects, but also undermine investor confidence in future projects, increasing project costs and hampering the growth of clean energy in Rhode Island.¹ As such, we ask the PUC to protect existing investments and provide regulatory certainty to the industry as it reconsiders its March 29, 2021 Order in Docket No. 5122. In this context, existing project refers not only to projects that are currently operating, but also those that are under construction and in late stages of development. These projects have expended significant time and money operating under the previous practice and should be protected from any changes.

Further, NECEC and CCSA support continuing the practice of allowing multiple offtakers for Public Entity Net Metering projects. It is no mistake that these offtakers are specifically called out in statute; they often have higher barriers to clean energy deployment than other offtaker types, and the essential public services that they provide benefit from the access to clean energy and economic savings that net metering arrangements provide. These considerations support a continuation of the previous practice.

We appreciate the opportunity to provide comment regarding the interpretation of the Public Entity Net Metering language. Providing predictability and stability to the industry is important to ensuring the continued growth of clean energy in Rhode Island. Please contact us with any questions.

Sincerely,

/s/ Sean Burke

Sean Burke
Policy Associate
NECEC

/s/ Laurel Passera

Laurel Passera
Policy Director
CCSA

¹ National Grid indicates that there are currently 12 VNM facilities “allocating credits to multiple public entities, educational institutions, hospitals and/or non-profit entities from the same project” (See RIPUC Docket No. 5145, National Grid’s Responses to Commission’s First Set of Data Requests, Response PUC 1-2” (April 29, 2021)